IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.15960 of 1995

Between:

1 A.P.State Agro Industries Corporation Employees Union rep by

Sri S V Ramaiah, S/o late S Subbanna, R/o Hyderabad
2 V Suryanarayana S/o V Sunkanna
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
3 K Gopala Achari S/o Lokapatha Achari
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
4 Y Ravindranatha Reddy, S/o P T Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
5 R Lakshmi Pathi S/o R C Raman
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
6 S Subbaiah S/o Subbaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
7 B Fakruddin S/o Lal Saheb
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
8 K Hampaiah S/o Pullaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
9 M Dayananda Reddy S/o Jayarami Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
10 A Muralidhara Reddy S/o Narsimha Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
11 N Raja Gopal S/o Anjanappa
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
12 K Anjaneyulu S/o Chinna Narayana
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
13 D Nagappa S/o Roshappa
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
14 P Srinivasa Rao S/o Bala Obaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
15 K Ramachandra Reddy S/o Pakkira Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
16 M V S Sarma S/o Venkata Subba Rao
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
17 Y V Koteswara Rao S/o Venkateswarlu

R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

18 M S S Srinivasa Reddy S/o Krishna Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

19 M Ankamma Rao, S/o Venkateswarlu
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

20 A Venkata Reddy S/o Koti Veera Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

21 N Veeraiah S/o Kotaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

22 Shaik Anwar Bashs S/o Shaik Khodan Basha
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

23 M Manmadha Chari S/o M Krishna Murthy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

24 A Durga Prasad S/o Narasimha Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

25 D Sundar Rao S/o Sree Ramulu
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

26 B Nageswara Rao S/o Pitchaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

27 Smt S Saraswathi S/o R Selva Kumar
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

28 L Srinivasulu S/o L V Ramanaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

29 P Seshadri S/o P Kannaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

30 S Ravi Chandran S/o Sundara Murthy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

31 S K Bheeman S/o K Kariappa
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

32 K R Palani S/o N Raja Gopal
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

33 M Suresh Kumar S/o V Manikyam Mudaliar
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

34 Chinna Kolandai Babu S/o Chinnakolandai
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

35 B Mahendra S/o Gurrappa Chetty
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

36 M Yadayagiri S/o Paramdhama Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

37 L Prasad S/o L V Ramanaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

38 Smt S Haseena S/o S J Jaleel
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

39 N Murali Mohan Reddy S/o Govardhan Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

40 G Venkata Rao S/o Hanmaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

41 V Sarvanna S/o Swamy Das
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

42 Smt Narsamma
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

43 Smt V Umapathi S/o Gopal Naidu
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

44 S Nagarajan S/o Sendamarai Kannan
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
45 T Babu S/o Chinnabha
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
46 N Karimullah S/o N A Salam
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
47 S K Imamsa S/o S K Ghouse
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
48 P Madhusudhana S/o P Ramanaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
49 Smt A Rajeswaramma S/o Kotaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
50 B Venkateswarlu S/o Ankaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
51 M Ram Kumar Reddy S/o M P Subba Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
52 V Mahendra Polaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
53 P Subbarayudu S/o Chinna Ramanna
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
54 Smt H Sudha Rani S/o Naga Raja Rao
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
55 M Srinivasa Rao S/o Venkateswara Rao
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
56 V Tata Rao S/o Narsimhulu
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
57 P Chitti Babu S/o Ramappadu
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
58 D Venkata Swamy S/o Rama Swamy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
59 D Ramababu S/o Venkata Swamy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
60 P Nallaiah S/o Ammora
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
61 M Krishna S/o Bhavanarayana
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
62 V Janardhana Rao S/o Appala Narayana
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
63 M Srinivasa Rao S/o Sanyasi Rao
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
64 B Prasada Rao S/o Kedari
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
65 Md Nizamuddin S/o Zainulabudin
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
66 P Tirumala S/o Kanakaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
67 M Manohar Reddy S/o Ganapathi Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
68 B Krishnarjuna Raju S/o Narayana Raju
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
69 U Jaya Rama Babu S/o Radha Krishna Murthy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.
70 A Koteswara Rao S/o Lakshminarayana

R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

71 I Venkateswara Rao S/o Pullaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

72 K Venkateswarlu S/o Chandraiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

73 K Sudheer Reddy S/o Subba Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

74 K Lakshmi Devamma S/o Seetharamulu
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

75 K Lakshmi Narayana S/o Dubbaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

76 Ch V V S N Murthy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

77 S V A Bala Krishna
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

78 S Srinivasa Rao
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

79 B Veerabhadra Rao
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

80 G Satyanrayana
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

81 G Ravi S/o Sattaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

82 C Dasarath S/o Sattaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

83 Md Arifuddin S/o Md Nooruddin
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

84 M Govind S/o Venkata Swamy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

85 K V Subba Rao S/o Venkateswarlu
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

86 T Sekhar S/o Sangappa
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

87 P Chandra Shekhar Goud, S/o Sivaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

88 G Nagabhushnam S/o Sivaiah
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

89 Birma, S/o Gurma Singh,
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

90 Mohammed Mosin Ali S/o Mahaboob Ali
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

91 T Linga Raju S/o Veerabhadra Rao
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

92 Sanjeev Prakash S/o G Muthanna
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

93 S L Kumar Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

94 B V Krishna Reddy
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

95 Prasada Rao
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

96 Madan Mohan Rao
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

97 B Arjun S/o Mallayya
R/o Employees of A.P. State Agro. Industries, A.P. State, Hyderabad.

..... PETITIONERS

AND

A.P. State Agro. Industries rep by its Vice Chairman & Managing Director,
Ac. Guards, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, directing the respondent to regularise the services of petitioners 2 to 97 and absorb them into the respondents Corporation w.e.f., the date when they have completed one year of service and allow them the regular scale of pay, with all consequential benefits including arrears of wages, and pass such other order or orders as it deems fit and proper in the circumstances of the case.

Counsel for the Petitioners: Mr. V. VENKATARAMANA

Counsel for the Respondent: Mr. A. VEERA SWAMY

The Court made the following :

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondents to regularize the services of petitioners 2 to 97 in the respondent-Corporation with effect from the date when they have completed one year of service and grant them the regular scales of pay and all other consequential benefits.

It is the case of the petitioners that they are working as NMRs on a consolidated pay and few of them are working on daily wage basis for the last more than 5 years (as on the date of filing the Writ Petition). They have been continuously working in the respondent-Corporation against clear vacancies. The respondent is causing certain artificial breaks for one or two days in order to show discontinuity in service with a view to deny benefits under various labour legislations. It is their case that they are entitled for regularization of their services. There is always a threat to their continuance in the Corporation and also there is lack of security of employment. The respondent should function like a model employer and is obliged to regularize their services from the date of completion of one year service. Security of employment is part and parcel of Article 21 of the Constitution of India. The Apex Court in **DAILY RATED CASUAL LABOUR EMPLOYED UNDER P & T DEPARTMENT v.**

UNION OF INDIA held that the employer should regularize the temporary and daily wage employees after one year from the date of their appointment. They have represented the matter before the Corporation on several occasions, but in vain. Respondent has regularized the services of 59 daily wage and consolidated pay employees, who have filed Writ Petition Nos.15789 of 1989 and 4902 of 1990, as per the directions of this Court. They are similarly situated as that of the said 59 persons and are entitled for the same relief. Therefore, non-consideration of their cases for regular appointment is arbitrary and illegal.

It is brought to the notice of this Court that during the pendency of this Writ Petition, as many as 68 workmen have obtained voluntary retirement as per the scheme introduced by the respondent-Corporation and left the Organization and the cause in respect of only 28 workmen is surviving. Now a common additional counter affidavit is filed on behalf of the respondent *inter alia* stating that out of 28 petitioners in this Writ Petition, the cases of qualified/eligible candidates from among them can be considered since there are 11 vacancies available, subject to permission obtained from the Government. The issue of according permission by the Government is still pending. All the 11 vacancies, either skilled or semi-skilled, which are technical in nature, will be filled up after permission is granted by the Government. The cases of remaining 18 petitioners for regular appointment cannot be considered since they neither fulfil the conditions prescribed in G.O.Ms.No.212, dated 22-4-1994 nor sanctioned posts are available as per the approved cadre strength.

Be that as it may, the respondent-organization has come forward to accommodate 11 petitioners since 11 vacancies are available. Insofar as remaining 18 petitioners are concerned, since they have completed minimum service of five years as per G.O.Ms.No.212, dated 22-4-1994 and as per the Judgments of a Division Bench of this Court in W.A.Nos.603 to 605 of 1995, dated 30-6-1995 and also the Apex Court in **DISTRICT COLLECTOR/CHAIRMAN v. T. DEVENDERPAL SINGH** they are entitled for consideration for regularization of their services. But, it is the case of the respondent that there are no sanctioned posts. Nothing prevents the respondent-organization from seeking permission to fill up those vacancies also on regular basis, since the petitioners are working for the last more than 12 years as of now.

In the result, the Writ Petition is disposed of with the following directions:

1. The respondent is directed to fill up the said 11 vacancies with the

persons from among the petitioners immediately after obtaining permission from the Government;

2. Insofar as remaining 18 petitioners are concerned, the respondent shall explore the feasibility of absorbing them on regular basis as per G.O.Ms.No.212, dated 22-4-1994 since they have completed more than 12 years of service as on date and till such time, the said 18 petitioners shall be continued in service on the same terms and conditions as on today.

23-6-2005

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice Chairman & Managing Director,
A.P. State Agro Industries, A.C. Guards, Hyderabad

2 2 CD copies